

PATRICK L. FORTE
State Bar #80050
CORRINE BIELEJESKI
State Bar #244599
LAW OFFICES OF PATRICK L. FORTE
One Kaiser Plaza, #480
Oakland, CA 94612
Telephone: (510) 465-3328
Facsimile: (510) 763-8354

Attorney for Debtor

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In Re: Chapter 13
ROBERT BAUTISTA GONZALES No. 08-41246 RN13

Debtor.

**MOTION TO MODIFY CHAPTER 13
PLAN; NOTICE TO CREDITORS OF
DEADLINE TO REQUEST A HEARING**

The above named debtor requests that his Chapter 13 Plan be modified as follows:

Debtor shall surrender the real property located at 4434 Horseshoe Cir., Antioch, CA to WACHOVIA MORTGAGE and the CONTRA COSTA COUNTY TAX COLLECTOR. Debtor's plan payment shall be \$400.00 per month commencing October, 2008, through March, 2009. Commencing April, 2009, debtor's plan payments shall increase to \$760.00 per month. Unsecured, non-priority claims shall be paid zero (0%) per cent. Any plan arrearages shall be forgiven.

The modification is sought on the following grounds:

Debtor is unemployed and his finacee recently lost her job.

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1 NOTICE IS HEREBY GIVEN:

2 (i) That Local Rule 9014-1 of the United States Bankruptcy Court for
3 the Northern District of California prescribes the procedures to be
4 followed and that any objection to the requested relief, or a request for
5 hearing on the matter must be filed and served upon the undersigned
6 within twenty (20) days of mailing of this notice;

7 (ii) That a request for hearing or objection must be accompanied by
8 any declarations or memoranda of law the party objecting or requesting
9 wishes to present in support of its position;

10 (iii) That if there is not a timely objection to the requested relief
11 or a request for hearing, the Court may enter an order granting the
12 relief by default; and

13 (iv) That the undersigned will give at least ten (10) days written
14 notice of hearing to the objecting or requesting party, and to any
15 trustee or committee appointed in the case, in the event an objection or
16 request for hearing is timely made.

17 Dated: October 10 , 2008.

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19 /s/ Patrick L. Forte
20 Patrick L. Forte
21 Attorney for Debtor
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